

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PENNSYLVANIA PUBLIC SCHOOL : CIVIL ACTION NO.  
EMPLOYEES' RETIREMENT SYSTEM, :  
Individually and on behalf of all others : 11-CV-00733-WHP  
Similarly situated, :  
 : CLASS ACTION  
 :  
Plaintiff, :  
 :  
 :  
v. :  
 :  
 :  
BANK OF AMERICA CORPORATION, et al., :  
 :  
 :  
Defendants. :  
 :

**MOTION OF LEAD PLAINTIFF PENNSYLVANIA PUBLIC SCHOOL  
EMPLOYEES' RETIREMENT SYSTEM FOR AN ORDER DIRECTING  
PAYMENT FROM THE COURT REGISTRY INVESTMENT SYSTEM OF  
PREVIOUSLY-AWARDED ATTORNEYS' FEES WITH ACCRUED INTEREST**

PLEASE TAKE NOTICE that pursuant to this Court's Order dated October 12, 2018 (ECF No. 385), Lead Plaintiff Pennsylvania Public School Employees' Retirement System hereby moves for an Order directing the Court Registry Investment System ("C.R.I.S.") to issue a check drawn from the Settlement Fund in this action on deposit with C.R.I.S. in the amount of \$42,121,073.81 in order to pay Lead Counsel, Barrack, Rodos & Bacine ("Barrack") previously-awarded attorneys' fees, together with accrued interest from December 30, 2016 through October 12, 2018, as authorized by the Court's December 30, 2016 Order (ECF No. 376).

In support thereof, Lead Plaintiff states as follows:

1. By Orders dated December 30, 2016 and January 11, 2017 (ECF Nos. 377 & 379), the Court awarded Barrack \$41,340,835.80 in attorneys' fees and provided that interest

shall accrue on the fee award from December 30, 2016 to the date it is paid out of C.R.I.S. at the same rate as interest accrues up to the date of payment.

2. Paragraph 4 of the January 11, 2017 Order provided that the attorneys' fees awarded to Barrack may be disbursed once 75% of the Settlement Fund has been distributed. As set forth in the October 24, 2018 Declaration of Edward J. Radetich, Jr. ("Radetich October 2018 Decl."), ¶ 10, being simultaneously filed today in support of the Motion of Lead Plaintiff for an Order directing payment from C.R.I.S. for partial distribution of settlement fund to eligible class claimants and payment of the claims administrator's fees and expenses, that prerequisite will be satisfied once the settlement funds are transferred to Santander Bank so that the claims checks may be promptly issued and mailed.

3. Heffler, Radetich & Saitta, L.L.P. ("Heffler") has obtained the interest rate information from C.R.I.S. for the Settlement Fund, and calculated that interest on the previously awarded (but not yet paid) attorneys' fees from December 30, 2016 to October 12, 2018, is \$780,238.01. Radetich October 2018 Decl., ¶ 7. Adding this accrued interest to the fee award, Lead Plaintiff and Lead Counsel respectfully request that the Court order C.R.I.S. to issue a check to pay Barrack, Rodos & Bacine in the amount of \$42,121,073.81 in counsel fees and accrued interest.

Dated: October 24, 2018

**BARRACK, RODOS & BACINE**

/s/ Mark R. Rosen

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